

**Superior Court, County of
Ventura
Self-Help Legal Access Center**

EVICTIIONS

(UNLAWFUL DETAINER)

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Preparing for trial

Preparing Your Case For Trial

1. Determining the Trial Date

Eviction cases are given priority on the court calendar. This means they are scheduled for trial much faster than other types of civil cases. The court will send you notice of the trial date at the address you put at the top of your answer. **If you have not received notice of a trial date within two weeks after you file your answer, you should call the court at (805) 654-2609 in Ventura, or (805) 582-8086 in Simi Valley, and follow the instructions to speak with a civil clerk.** BEFORE YOU MAKE THIS CALL: LOOK AT THE COPY OF THE COMPLAINT OR ANSWER AND BE PREPARED TO GIVE THE CLERK YOUR CASE NUMBER. The case number can be found in a box located midway on the right side of the form. You will need to give the case number to the clerk in order for the court to tell you whether a trial date has been set. As soon as you know the trial date, mark it on your calendar immediately so you do not forget to appear in court.

2. Discovering What Evidence the Landlord Has Against You

Usually you know what the landlord is claiming because you can read it in the complaint, and you know how to prepare your defense to what you are accused of having done or not done. Sometimes you may not know the basis of the eviction case, and you need to find out before the trial so you can prepare your defense. Certain methods can be used to **discover** the other side's evidence. These methods are called **discovery**. If you need to do **discovery** in your case, look at the booklet called "*Discovery in Eviction Cases.*"

3. Getting Your Evidence Ready for Trial

Most eviction cases are conducted before a judge in a short period of time. Evidence the court may consider includes documents, such as rental agreements, notices to quit, letters between the landlord and tenant, and photographs of the condition of the property. The court may also consider **testimony** of the parties, and when appropriate, testimony of other witnesses. **Testimony** is what a person tells the court under oath about what happened in the case. You should make copies of the documents, and an outline of your testimony, you wish to present in court so you will be prepared to present your case. This will help you to focus on the issues in the case.

4. It is often helpful to watch other eviction cases in the same courtroom in which your case is scheduled, before the date of your case. You can learn about court procedure, where to stand, how to speak to the court, and the time given each case. Ask the court clerk when the judge assigned to your case will be hearing other **unlawful detainer** (eviction) cases, so you can watch.

5. **BE ON TIME FOR YOUR TRIAL.** Come to court at least ten minutes before the time set for your case. If you are late and the judge calls your case when you are not there, you will lose without being able to give your side of the case.

6. **BE WELL PREPARED FOR TRIAL.** Bring all documents you need to prove your case. Have extra copies of each document you plan to give to the court, so you can give one copy to the other side first. Any defense you present to the court must have been stated in your **answer**. You have the **burden of proof** for each **affirmative**

defense you put in your answer. This means that you

must convince the court that the evidence in the case supports your defense more than it supports the landlord's side.

THE VENTURA COURT'S SELF-HELP LEGAL ACCESS CENTER IS NOT REPRESENTING YOU. IT HAS ONLY ASSISTED YOU IN REPRESENTING YOURSELF BY PROVIDING LIMITED INFORMATION ABOUT APPEARING IN COURT. NO ATTORNEY FROM THE CENTER WILL APPEAR IN COURT TO REPRESENT YOU AT TRIAL OR ANY OTHER HEARING. YOU ARE REPRESENTING YOURSELF. THE CENTER STRONGLY RECOMMENDS THAT YOU SEEK THE SERVICES OF AN ATTORNEY IN THIS MATTER IF YOU CAN. IF YOU DESIRE FURTHER REFERRAL INFORMATION REGARDING SECURING AN ATTORNEY, YOU MAY CALL THE LAWYER REFERRAL SERVICE OF THE VENTURA COUNTY BAR ASSOCIATION AT (805) 650-7599.